

AMENDED IN SENATE JUNE 5, 1996
AMENDED IN ASSEMBLY MAY 23, 1996
AMENDED IN ASSEMBLY MAY 15, 1996
AMENDED IN ASSEMBLY APRIL 11, 1996

CALIFORNIA LEGISLATURE—1995–96 REGULAR SESSION

ASSEMBLY BILL

No. 3366

Introduced by Assembly Member Knox
(Principal coauthor: Assembly Member Villaraigosa)
(Coauthors: Assembly Members Caldera, Cunneen,
Goldsmith, Machado, Willard Murray, and Sweeney)
(Coauthor: Senator Watson)

February 23, 1996

An act to amend Section 13080 of the Financial Code, relating to financial institutions.

LEGISLATIVE COUNSEL'S DIGEST

AB 3366, as amended, Knox. ATM: surcharge disclosure.

Existing law prohibits the operator of an automated teller machine (ATM) from imposing a surcharge upon ATM usage when the customer is using an access device not issued by that operator unless the surcharge is clearly disclosed prior to completion of any transaction.

This bill would provide that no operator of an ATM in this state shall impose any ~~surcharge or fee for service upon a~~ *whether or not the* customer is using an access device not issued by that operator for the usage of that machine unless

the surcharge or fee is clearly disclosed to the customer electronically on the ATM prior to completion of any transaction, and the customer is provided an opportunity to cancel the transaction without incurring any ~~fee or~~ surcharge *or fee, with specified exceptions. The bill would also provide for total price and fee disclosure with respect to point of sale transactions, as specified.*

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 13080 of the Financial Code is
2 amended to read:

3 13080. (a) No operator of an automated teller
4 machine (ATM) in this state shall impose any surcharge
5 or ~~any fee for service fee~~ upon a customer for the usage
6 ~~of that machine for customers using an access device not~~
7 *of that machine whether or not the customer is using an*
8 *access device* issued by that operator unless that
9 surcharge or fee is clearly disclosed to the customer
10 electronically on the automated teller machine prior to
11 completion of any transaction, and the customer is
12 provided an opportunity ~~to cancel that transaction~~
13 ~~without incurring any fee or surcharge.~~ *to cancel that*
14 *transaction without incurring any surcharge or fee. This*
15 *subdivision does not apply to a point of sale transaction at*
16 *an ATM.*

17 (b) *If a point of sale transaction is conducted at the*
18 *ATM, the operator of that ATM shall disclose*
19 *electronically the total price of the transaction and the fee*
20 *for the transaction charged by the operator prior to the*
21 *completion of the transaction and provide the customer*
22 *with the opportunity to cancel the transaction without*
23 *incurring any fee.*

24 (c) *The operator shall also disclose that the customer*
25 *may also be charged an additional fee by his or her own*
26 *institution.*

27 (b) As used in this section, “operator,” “automated
28 teller machine,” “customer,” and “access device” have

1 the meanings set forth in Section 13020. *The term*
2 *“surcharge” means any charge imposed by the operator*
3 *of the ATM for use of the ATM. The term “point of sale*
4 *transaction” has the generally accepted meaning as used*
5 *in financial regulation.*

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